

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

Cole Jester

500 Woodlane Street, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Proposed Rulemaking

Title

Promulgated by: Arkansas Secretary of State

Title 21. Public Officers and Employees

Chapter II. Secretary of State

Subchapter A. Generally

Part 21. The Combating Hostile Foreign Influence Rule

Subpart 1. Generally

Subpart 1. Title

21 CAR § 21-101. Title

This rule shall be known as the Combating Hostile Foreign Influence Rule.

21 CAR § 21-102. Purpose

The purpose of this rule is to provide a procedure to implement Act 998 of the State of Arkansas's 95th General Assembly Regular Session of 2025 (hereinafter, "the Act").

21 CAR § 21-103. Definitions

- (a) **Foreign Supported Political Organization:** Any combination of persons, including a political party, partnership, association, corporation, organization that:
 - (A) Has, within the past five (5) calendar years received support from a hostile foreign principle or a representative of a hostile foreign principal, through
 - (1) The donation of money of any currency; or
 - (2) The donation of any other item of value; and
 - (B) Who engages in political activity within Arkansas.
- (b) **Political Activity:** an activity that is performed to influence an agency or public official of this state, a local government entity within this state, or the public within this state, with reference to:
 - (1) Formulating, adopting, or changing the policies or laws of this state; or
 - (2) Electing or opposing a candidate for local or state public office, not including campaign donations.
- (c) **Representative of a hostile foreign principal:** a person:
 - (1) Who acts as an agent, employee, representative, or servant, or otherwise acts at the order, request, or under the direction or control of a hostile foreign principal;

- (2) Whose actions are financed in whole or in part by a hostile foreign principal; and
 - (3) Who engages in political activity.
- (d) **Respondent(s):** Any individual(s) or organization named in a complaint as the party alleged to have violated these rules or Ark. Code Ann. § 21-8-1101, *et. seq.*
- (e) **Servant:** An individual who acts under the exact direction of another individual or organization regarding time, manner, mode, place, and purpose of the action commanded.

Subpart 2. Filing Requirements

21 CAR § 21-201. Filing Requirements

- (a) All Representatives of Foreign Principals must:
 - (1) File a registration statement, under oath, within ten (10) days of that individual or organization becoming a representative of a hostile foreign principal. Ark. Code Ann. § 21-8-1103 (a)(1)(1)-(2);
 - (2) The registration statement shall be filed no less than once quarterly per regular calendar year;
 - (3) All representatives of a hostile foreign principal shall file an updated registration statement quarterly;
 - (4) The registration statement shall contain:
 - (A) The representative's name;
 - (B) The representative's principal business address;
 - (C) Other business addresses in the United States or elsewhere; and
 - (D) Residence addresses, if any; and
 - (E) A comprehensive statement of the nature of the registrant's business;
- (b) All Foreign Supported Political Organizations must file a registration statement online with the following information no later than January 31, 2026 and no less than annually for the following years:
 - (1) The name of the foreign supported political organization;
 - (2) The organization's business address;
 - (3) Other business addresses in the United States where the organization has its residence, if any;
 - (4) Comprehensive statement of business activities;
 - (5) Names, titles, and addresses of all officers and directors;
 - (6) If the foreign-supported organization is affiliated with or a chapter of a national organization, name of organization, and names and addresses of officers and directors;
 - (7) A detailed statement of all money or other things of value received by the foreign-supported political organization from a hostile foreign principal or a representative of a hostile foreign principal during the prior calendar year; and
 - (8) A detailed statement of any expenditures of money or other things of value made by the foreign-supported political organization, within the prior calendar year, to influence the following groups with reference to formulating, adopting, or changing the policies or laws of this state or electing a candidate to local or state public office:
 - (A) An agency or public official of this state;

- (B) A local government entity within this state; or
- (C) The public.

Subpart 3. Complaints, Investigation, and Enforcement

21 CAR § 21-301. Complaints

(a) Citizen Complaints:

- (1) The Secretary of State shall prescribe a form in order to allow a Complainant to submit a complaint in the most practicable manner;
- (2) Upon receipt of a complaint, Arkansas Secretary of State staff shall assign a case number in a format to be approved by the Secretary of State;
- (3) A complaint shall contain:
 - (A) Name of Complainant;
 - (B) Name of Respondent;
 - (C) Alleged violation(s) of Ark. Code Ann. § 21-8-1101, *et. seq.*;
 - (D) The signature of the Complainant;
 - (E) A sworn statement by the claimant;
 - (F) Any additional evidence known to the Complainant to support the complaint; and
 - (G) Names of witnesses known to the Complainant to support the complaint at the time of filing the complaint.
- (4) Complaints may be amended by the Complainant at any time prior to the Secretary of State's assessment of penalties.
- (5) Notice:
 - (A) The Arkansas Secretary of State's Office shall notify the named Respondent or Respondents that a complaint has been filed against the named Respondent or Respondents;
- (6) The Respondent shall have the right to file a response within sixty (60) days of receiving notice in the following manner:
 - (A) The Secretary of State shall create a form in order to allow a response to a complaint to submit a response in the most practicable manner;
 - (B) The Response shall contain:
 - (1) Admission or denial of the potential violation;
 - (2) A statement in response to the Complainant's allegations in the complaint;
 - (3) Any evidence that would support the Respondent's denial; and
 - (4) A list of any witnesses that can confirm the Respondent's response and the contact information of the named witnesses.

21 CAR § 21-302. Investigations

- (a) Upon the reception of a complaint, the Secretary of State's office shall assign a case number to the complaint and establish a file wherein all evidence, complaints, responses to complaints, and any other relevant information to the complaint shall be stored;
- (b) If, during the course of the investigation, the Secretary of State's office has reason to believe that any person who filed or caused to be filed a complaint against another which he or she

knows or should know contains a false material allegation, the Secretary of State's office may forward all documents and other evidence of same to the appropriate law enforcement authority with such recommendations as it deems appropriate;

- (c) The staff investigating the complaint shall, upon conclusion of the investigation or upon a time of the Secretary of State's request, submit a report of the investigation and provide a suggested determination to the Secretary of State. Such determinations may include, but are not limited to:
 - (1) Sufficient evidence exists for a final determination that a violation has occurred;
 - (2) Sufficient evidence exists for a final determination that a violation has not occurred
 - (3) Further investigation by staff is needed; or
 - (4) That there is evidence that a potential criminal, civil, or regulatory violation has occurred and that the matter shall be referred to the federal, state, or local law enforcement or other governing body with the proper jurisdiction over the potential violation;
- (d) The Secretary of State shall notify the Complainant and the respondent of his or her determination has been made.

21 AR § 21-303. Enforcement

- (a) The Secretary of State of the State of Arkansas may assess and impose penalties for violations under these rules and Ark. Code Ann. § 21-8-1101, *et. seq.*;
- (b)(1) The Secretary of State may offer to the Respondent a consent agreement in lieu of a hearing;
 - (2) The Respondent shall have until the date specified to accept the consent agreement;
 - (3) Upon the execution of the consent agreement by both the Secretary of State and the Respondent, the consent agreement shall be considered a final adjudication on the matter.
 - (4) Upon rejection of the consent agreement or the termination of the specified due date for acceptance, the Secretary of State shall issue a notice of hearing to the Respondent as soon as practicable.
- (c) Penalties for any violation of Ark. Code Ann. § 21-8-1101, *et. seq.* shall be:
 - (1) Up to \$500 for any single violation;
 - (2) Up to \$2,000 for willful or repeated violations of these rules or the authorizing Act.

21 CAR § 21-304. Hearing Procedure and Judicial Review

- (a) Respondents shall, within sixty (60) days of receiving proper notice of a penalty assessed and imposed on them by the Secretary of State, shall:
 - (1) Notify the Secretary of State that he or she accepts and will pay the imposed penalty; or
 - (2) Submit a request for a hearing pursuant to the Administrative Procedure Act to the Arkansas Secretary of State;
- (b) (1) In the event the Respondent does not request a hearing within 60 days of receiving proper notice, the Respondent's right to a hearing has been waived;
 - (2) The waiver of administrative hearing rights shall be included within the notice of hearing;
- (c) (1) The Secretary of State or his/her designee shall hear the matter and may appoint a hearing officer to preside at the hearing pursuant to Ark. Code Ann. 25-15-213; and

- (2) Obtain counsel from the Arkansas Attorney General to present the case file for the Secretary of State's review;
- (d) Hearings
 - (1) The Arkansas Secretary of State or his or her designee shall preside as the adjudicator over the hearing;
 - (2) Upon the closure of the evidentiary record, the Secretary of State shall make a final adjudication on the matter.
- (e) Judicial Review
 - (1) Upon the rendering of a final decision by the Arkansas Secretary of State, the Respondent may request Judicial Review under Ark. Code Ann. § 25-15-212.

Proposed Rulemaking

Title

Promulgated by: The Arkansas Secretary of State

Title 21. Public Officers and Employees

Chapter II. Secretary of State

Subchapter A. Generally

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(B) Who engages in political activity within Arkansas.

(b) **Political Activity:** an activity that is performed to influence an agency or public official of this state, a local government entity within this state, or the public within this state, with reference to:

(1) Formulating, adopting, or changing the policies or laws of this state; or

(2) Electing or opposing a candidate for local or state public office, not including campaign donations.

(c) **Representative of a hostile foreign principal:** a person:

DRAFT

- (1) Who acts as an agent, employee, representative, or servant, or otherwise acts at the order, request, or under the direction or control of a hostile foreign principal;
- (2) Whose actions are financed in whole or in part by a hostile foreign principal; and
- (3) Who engages in political activity.

(d) **Respondent(s):** Any individual(s) or organization named in a complaint as the party alleged to have violated these rules or Ark. Code Ann. § 21-8-1101, *et. seq.*

(e) **Servant:** An individual who acts under the exact direction of another individual or organization regarding time, manner, mode, place, and purpose of the action commanded.

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- (2) The registration statement shall be filed no less than once quarterly per regular calendar year;
- (3) All representatives of a hostile foreign principal shall file an updated registration statement quarterly;
- (4) The registration statement shall contain:
 - (A) The representative's name;
 - (B) The representative's principal business address;
 - (C) Other business addresses in the United States or elsewhere; and
 - (D) Residence addresses, if any; and
 - (E) A comprehensive statement of the nature of the registrant's business;

(b) All Foreign Supported Political Organizations must file a registration statement online with the following information no later than January 31, 2026 and no less than annually for the following years:

- (1) The name of the foreign supported political organization;
- (2) The organization's business address;
- (3) Other business addresses in the United States where the organization has its residence, if any;
- (4) Comprehensive statement of business activities;
- (5) Names, titles, and addresses of all officers and directors;
- (6) If the foreign-supported organization is affiliated with or a chapter of a national organization, name of organization, and names and addresses of officers and directors;
- (7) A detailed statement of all money or other things of value received by the foreign-supported political organization from a hostile foreign principal or a representative of a hostile foreign principal during the prior calendar year; and
- (8) A detailed statement of any expenditures of money or other things of value made by the foreign-supported political organization, within the prior calendar year, to influence

the following groups with reference to formulating, adopting, or changing the policies or laws of this state or electing a candidate to local or state public office:

(A) An agency or public official of this state;

(B) A local government entity within this state; or

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(3) A complaint shall contain:

(A) Name of Complainant;

(B) Name of Respondent;

(C) Alleged violation(s) of Ark. Code Ann. § 21-8-1101, et. seq.;

(D) The signature of the Complainant;

(E) A sworn statement by the claimant;

(F) Any additional evidence known to the Complainant to support the complaint; and

(G) Names of witnesses known to the Complainant to support the complaint at the time of filing the complaint.

(4) Complaints may be amended by the Complainant at any time prior to the Secretary of State's assessment of penalties.

(5) Notice:

(A) The Arkansas Secretary of State's Office shall notify the named Respondent or Respondents that a complaint has been filed against the named Respondent or Respondents;

(6) The Respondent shall have the right to file a response within sixty (60) days of receiving notice in the following manner:

(A) The Secretary of State shall create a form in order to allow a response to a complaint to submit a response in the most practicable manner;

(B) The Response shall contain:

(1) Admission or denial of the potential violation;

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(3) Any evidence that would support the Respondent's denial; and

(4) A list of any witnesses that can confirm the Respondent's response and the contact information of the named witnesses.

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- (c) The staff investigating the complaint shall, upon conclusion of the investigation or upon a time of the Secretary of State's request, submit a report of the investigation and provide a suggested determination to the Secretary of State. Such determinations may include, but are not limited to:
 - (1) Sufficient evidence exists for a final determination that a violation has occurred;
 - (2) Sufficient evidence exists for a final determination that a violation has not occurred
 - (3) Further investigation by staff is needed; or
 - (4) That there is evidence that a potential criminal, civil, or regulatory violation has occurred and that the matter shall be referred to the federal, state, or local law enforcement or other governing body with the proper jurisdiction over the potential violation;
- (d) The Secretary of State shall notify the Complainant and the respondent of his or her determination has been made.

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 - (2) The Respondent shall have until the date specified to accept the consent agreement;
 - (3) Upon the execution of the consent agreement by both the Secretary of State and the Respondent, the consent agreement shall be considered a final adjudication on the matter.
 - (4) Upon rejection of the consent agreement or the termination of the specified due date for acceptance, the Secretary of State shall issue a notice of hearing to the Respondent as soon as practicable.
- (c) Penalties for any violation of Ark. Code Ann. § 21-8-1101, et. seq. shall be:
 - (1) Up to \$500 for any single violation;
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 - (1) Notify the Secretary of State that he or she accepts and will pay the imposed penalty; or
 - (2) Submit a request for a hearing pursuant to the Administrative Procedure Act to the Arkansas Secretary of State;

- (b) (1) In the event the Respondent does not request a hearing within 60 days of receiving proper notice, the Respondent's right to a hearing has been waived;
(2) The waiver of administrative hearing rights shall be included within the notice of hearing;
- (c) (1) The Secretary of State or his/her designee shall hear the matter and may appoint a hearing officer to preside at the hearing pursuant to Ark. Code Ann. 25-15-213; and
(2) Obtain counsel from the Arkansas Attorney General to present the case file for the Secretary of State's review;
- (d) Hearings
 - (1) The Arkansas Secretary of State or his or her designee shall preside as the adjudicator over the hearing;
 - (2) Upon the closure of the evidentiary record, the Secretary of State shall make a final adjudication on the matter.
- (e) Judicial Review
 - (1) Upon the rendering of a final decision by the Arkansas Secretary of State, the Respondent may request Judicial Review under Ark. Code Ann. § 25-15-212.

FOREIGN-SUPPORTED POLITICAL ORGANIZATION REGISTRATION STATEMENT

To be filed with:

Arkansas Secretary of State
State Capitol, 500 Woodlane Street
Little Rock, AR 72201
Phone (501) 682-5070
Fax (501) 682-3408

Calendar Year _____
(to be filed on an annual basis by January 31st)

☐ Check if this is an amendment to a previously-filed Registration for the above-referenced calendar year

Section 1(a): Name of Foreign-Supported Political Organization

Name (in full): _____

Acronym (if applicable): _____

Section 1(b): Address of Foreign-Supported Political Organization

Address: _____

City: _____ State: _____ Zip: _____ Telephone Number: _____

Section 1(c): Officers and Directors of Foreign-Supported Political Organization

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Section 2(a): Name of National Organization (or Chapter of National Organization) with which Foreign-Supported Political Organization is Affiliated

Affiliate Name (in full): _____

Affiliate Acronym (if applicable): _____

Section 2(b): Address of National Organization (or Chapter of National Organization) with which Foreign-Supported Political Organization is Affiliated

Address: _____

City: _____ State _____ Zip _____ Telephone Number _____

Section 2(c): Officers and Directors of National Organization (or Chapter of National Organization) with which Foreign-Supported Organization is Affiliated

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Number: _____

[attach additional pages if necessary]

[this space intentionally blank]

Section 3: Detailed Statement Number 1 (Expenditures or Things of Value Made):

Provide a detailed statement of any expenditures of money or other things of value made by the Foreign-Supported Political Organization within the prior calendar year to influence an agency or public official of the State of Arkansas, a local government entity within the State of Arkansas, or the public within the State of Arkansas, with reference to formulating, adopting, or changing the policies or laws of the State of Arkansas or electing a candidate to local or state public office.

(a) Amount of Expenditure of Money/Value of Other: \$ _____

Description of Other Thing of Value: _____

Description of Target of Influence:

- (1) Name of Agency of the State of Arkansas _____
- (2) Name of Public Official of the State of Arkansas _____
- (3) Name of Local Government Entity within
the State of Arkansas _____
- (4) Name of Public within the State of Arkansas _____
- (5) Policies or Laws of the State of Arkansas _____
- (6) Name/Office Sought of Candidate _____

Description of method(s) used for formulating, adopting, or changing the policies or laws of the State of Arkansas or electing a candidate to local or state public office: _____

(b) Amount of Expenditure of Money/Value of Other: \$ _____

Description of Other Thing of Value: _____

Description of Target of Influence:

- (1) Name of Agency of the State of Arkansas _____
- (2) Name of Public Official of the State of Arkansas _____
- (3) Name of Local Government Entity within
the State of Arkansas _____
- (4) Name of Public within the State of Arkansas _____
- (5) Policies or Laws of the State of Arkansas _____
- (6) Name/Office Sought of Candidate _____

Description of method(s) used for formulating, adopting, or changing the policies or laws of the State of Arkansas or electing a candidate to local or state public office: _____

[attach additional pages if necessary]

Provide a detailed statement of all money or other things of value received by the Foreign-Supported Political Organization within the prior calendar year from a hostile foreign principal or a representative of a hostile foreign principal.

REPRESENTATIVE OF HOSTILE FOREIGN PRINCIPAL REGISTRATION STATEMENT AND SUPPLEMENT FORM

To be filed with:

Arkansas Secretary of State
State Capitol, 500 Woodlane Street
Little Rock, AR 72201
Phone (501) 682-5070
Fax (501) 682-3408

A person that becomes a Representative of a Hostile Foreign Principal is required to file a Registration Statement under oath within ten (10) days of becoming such a Representative. Further, a Representative of a Hostile Foreign Principal is required to file Supplements (updates) no less frequently than on a quarterly basis. See Ark. Code Ann. § 21-8-1103 for further information.

Registration for Calendar Year: _____

☐ Check if this is a Supplement (update) and indicate period of time covered during the calendar year:

- ☐ 1st Quarter (covering January 1 through March 31)
☐ 2nd Quarter (covering April 1 through June 30)
☐ 3rd Quarter (covering July 1 through September 30)
☐ 4th Quarter (covering October 1 through December 31)

Section 1: Name of Representative of Hostile Foreign Principal.

Name (in full): _____

Section 2: Address(es) of Representative of Hostile Foreign Principal.

(a) Principal Business Address: _____
City: _____ State _____ Zip _____
Business Telephone Number _____

(b) Other Business Address(es) in the United States or Elsewhere:

(c) Residence Address(es): _____

Section 3: Comprehensive Statement of the Nature of Business of the Representative of Hostile Foreign Principal.

Provide a comprehensive statement of the nature of the Representative of Hostile Foreign Principal's business, including but not limited to the following.

(a) Name of the Hostile Foreign Principal under which the Representative (i) acts as an agent, employee, representative, or servant, or otherwise acts at the order, request, or under the direction or control thereof, (ii) takes action(s) which are financed in whole or in part by the Hostile Foreign Principal; and (ii) engages in political activity:

(b) Description of political activities and propaganda activities of the Hostile Foreign Principal:

(c) Nature of business of the Representative of the Hostile Foreign Principal:

I CERTIFY UNDER OATH that I have examined this Representative of a Hostile Foreign Principal Registration Statement and Supplement Form and, to the best of my knowledge and belief, the information disclosed herein is complete, true, and accurate.

Signature of Representative of a Hostile Foreign Principal

Printed Name of Representative of a Hostile Foreign Principal

State of Arkansas

} ss

County of _____

Subscribed and sworn before me this _____ day of _____, 20_____.

Signature of Notary Public

(Legible Notary Seal)

My Commission Expires: _____

Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.

From: [Legal Ads](#)
To: [Tanner Thomas](#)
Subject: Re: Rule Promulgation Published Notice
Date: Wednesday, October 15, 2025 12:13:51 PM
Attachments: [image001.png](#)

External Message

Thanks, Tanner. Scheduled for Fri 10/17, Sat 10/18, and Sun 10/19.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Tanner Thomas" <tanner.thomas@sos.arkansas.gov>
To: "Legal Ads" <legalads@arkansasonline.com>
Cc: "Legal" <legal@sos.arkansas.gov>, "Samantha Boyd" <samantha.boyd@sos.arkansas.gov>, "Amy Rhinehelder" <amy.rhinehelder@sos.arkansas.gov>
Sent: Wednesday, October 15, 2025 11:36:05 AM
Subject: RE: Rule Promulgation Published Notice

[Legal Ads](#),

Thank you for your prompt response. Please publish the notice contained in this letter in Friday's paper for three straight days, starting this Friday. For billing, our purchase order is PO#: 260007. Please reply to this email for confirmation of publication on Friday.

Sincerely,



Tanner Thomas

Senior Counsel

Arkansas Secretary of State

Desk: (501) 682-8515

Cell: (501) 454-6539

tanner.thomas@sos.arkansas.gov

From: Legal Ads [<mailto:legalads@arkansasonline.com>]
Sent: Wednesday, October 15, 2025 11:19 AM
To: Tanner Thomas <tanner.thomas@sos.arkansas.gov>
Subject: Re: Rule Promulgation Published Notice



COLE JESTER

ARKANSAS SECRETARY OF STATE

October 17, 2025

Notice

The Arkansas Secretary of State shall promulgate rules and forms pursuant to Act 998 of the 95th Arkansas General Assembly's Regular Session of 2025. This rule requires representatives of hostile foreign principals to register no less than quarterly if those representatives engage in political activity in the State of Arkansas as well as requires foreign-supported political organizations to file a yearly registration. The rule also details investigation, hearing, and enforcement procedures for Act 998 and the promulgated rules.

Public comments can be sent to legal@sos.arkansas.gov and a public comment hearing shall be held if twenty-five (25) persons or an organization of 25 persons requests an oral hearing for public comment pursuant to Ark. Code Ann. § 25-15-204 (a)(2)(B).

Tanner Thomas,
Senior Counsel

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).
13. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:
- Date: _____
- Time: _____
- Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____
15. What is the proposed effective date for this rule? _____
16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.
17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).
18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.
19. Is the rule expected to be controversial? Yes No
- If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.